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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/008,668	11/03/2001	Frank Brooks		7285

7590 03/04/2005
Matthew J. Peirce, Esq.
1550 Starlight Canyon Avenue
Las Vegas, NV 89123

EXAMINER

KNOWLIN, THJUAN P

ART UNIT PAPER NUMBER

2642

DATE MAILED: 03/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/008,668	BROOKS, FRANK	
	Examiner	Art Unit	
	Thjuan P Knowlin	2642	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed on 10/07/04 has been entered. No claims have been amended. No claims have been cancelled. No claims have been added. Claims 1-10 are still pending in this application, with claims 1 and 8 being independent.

Claim Rejections - 35 USC § 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ball et al (US 5,394,445), in view of Ozawa (US 5,381,468).

4. In regards to claims 1, 6, 8, and 10, Ball discloses a system and method for screening telephone calls (col. 4 lines 52-59) comprising: an interceptor unit (electronic telephone receptionist (ETR 4A-B), the interceptor unit having an outer casing, the interceptor unit also having an input jack for receiving a first telephone line, the interceptor unit also having an output jack for connecting to a second telephone line (col. 4-5 lines 64-8), a telephone wall jack (telephone jack 10), a first telephone line having two ends, a first end and a second end, the first end of the first telephone line hooked up to the telephone wall jack, the second end of the first telephone line hooked up to the input jack on the interceptor unit (Fig. 1, Fig. 2, and col. 4-5 lines 64-8), a telephone (telephone set 8), a second telephone line having two ends, a first end and a

second end, the first end of the second telephone line hooked up to the output jack on the interceptor unit, the second end of the second telephone hooked up to the telephone (col. 4-5 lines 64-8), a speaker attached to the interceptor unit (speaker 22); a programmable numerical keypad attached to the top of the interceptor unit (col. 12 lines 35-56); power means to provide power to the interceptor unit (col. 17 lines 1-4), and wherein when an individual would place an incoming phone call to a residence that would have system installed, the interceptor unit would intercept the phone call and require the individual to enter a numerical code within a specified period of time, and further wherein the interceptor unit would terminate the incoming phone call if the numerical code had not been entered within the specified period of time, and further when the speaker on the interceptor unit would play an eternal melody note that would indicate a welcome call if the individual entered the numerical code within the specified period of time, and further wherein the telephone call would be passed on to the telephone (col. 8-9 lines 34-14). Ball, however, does not disclose a plurality of indicator lights located on the outer casing of the interceptor unit. Ozawa, however, does disclose a plurality of indicator lights (LEDs 108-110) located on the outer casing of the interceptor unit (Fig. 2 and col. 3 lines 23-33). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to employ the system with a plurality of indicator lights located on the outer casing of the interceptor unit as a way of indicating the number of pending incoming messages/calls.

5. In regards to claims 2, 3, 4, and 5, Ball discloses a system for screening telephone calls, wherein an indicator light (light emitting diode (LED) 48), indicates the

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number of pending incoming messages/calls (col. 6 lines 35-38). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to employ the system with different light colors (red, yellow, and green), as a way of indicating completed calls, attempted calls, and whether or not the interceptor is on.

6. In regards to claim 7, Ball discloses a system for screening incoming telephone calls, wherein the power means would be a battery incorporated within the interceptor unit (col. 17 lines 1-4).

7. In regards to claim 9, Ball discloses a method for screening incoming calls, wherein the numerical code is a calling number delivery (CND) (col. 8-9 lines 34-14). Therefore it would have been obvious for one of ordinary skill in the art at the time of the invention to use a 2/3 code as the numerical code.

Response to Arguments

8. Applicant's arguments filed 10/07/04 have been fully considered but they are not persuasive. Applicant argues that the invention disclosed in the Hogan prior art reference does not include a "plurality of indicator lights," and furthermore, does not meet the items disclosed in paragraph j, of claim 1. Examiner, however, would like to bring to Applicant's attention that the Hogan prior art reference, argued by Applicant, was not used in the previous Office Action. Applicant further argues that even if it could be assumed that the "plurality of indicator lights" is obvious in lieu of the fact that the Ball et al prior art reference does disclose one indicator light, then the fact remains that the manner in which the invention functions is different than what the Ball et al prior art

reference discloses. As pointed out by Applicant, the Ball et al prior art reference, does not disclose a plurality of indicator lights located on the outer casing of the interceptor unit. The Ball et al prior art reference, however, does disclose an indicator light (light emitting diode (LED) 48) located on the outer casing of the interceptor unit. Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to employ the system with a plurality of indicator lights located on the outer casing of the interceptor unit as a way of indicating the number of pending incoming messages/calls. However, due to Applicant's concerns and arguments, Examiner has included the Ozawa patent (US 5,381,468) to clearly point out that it would have been obvious and well known in the art at the time of the invention to use a plurality of indicator lights located on the outer casing of the interceptor unit as a way of indicating the number of pending incoming messages/call. Ozawa discloses a plurality of indicator lights (LEDs 108-110) located on the outer casing of the interceptor unit (Fig. 2 and col. 3 lines 23-33).

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hoshino et al (US 6,628,252) teach a LED drive circuit. Kushita (US 6,792,294) teaches an incoming notification pattern setting circuit and method of portable telephone.

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

11. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thjuan P Knowlin whose telephone number is (703) 308-1727. The examiner can normally be reached on Mon-Fri 8:00-4:30pm.

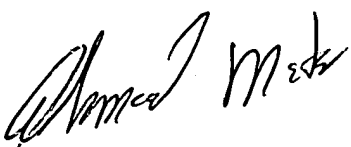
13. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (703)305-4731. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

14. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Thjuan P. Knowlin



AHMAD F. MATAR
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2700